

## **REMARKS**

Upon entry of the present amendment, claims 1, 5, 8-9, 11-12, 14-15, 17-18 , 20 and 22-25, are pending in the present application, of which, claims 1 and 24 are each independent, and of which claims 8-9, 11-12, 14-15, 17-18, 20 and 22 are withdrawn from consideration in view of the restriction requirement of May 28, 2010 . New claim 25 has been added by the present amendment.

The above-identified Office Action has been reviewed, the objections and rejections carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

### **Amendments Presented**

*In the Specification:* applicant has amended paragraph [0022] of the specification for providing express support to the claim language thereby to overcome the §112 issues set forth in the Office Action.

*In the Claims:* applicant has added new claim 25. Claim 25 depends from claim 24, defines additional aspects thereof.

Applicant respectfully submits that the above amendments are fully supported by the original disclosure including the drawings. Applicant also respectfully submits that no new matter is introduced into the application by the above amendments since the entire subject matter thereof was expressly or inherently disclosed in the originally filed claims, specification and the drawings.

### **Claim Rejections – 35 USC §112**

In the Office Action (page 2), the Examiner rejected claims 1 and 5 under 35 USC §112, first paragraph. According to the Examiner's interpretation, in claim 1 at lines 6-7 thereof, the recitation, "one pair of opposing faces of the rectangular shape are arranged to form a substantially symmetrical shape", specifically the recitation, -- substantially symmetrical shape --, is not described in the specification in such a way as to reasonably convey to one skilled in the art at the time the present application was filed. Further, according to the Examiner's interpretation, the recitation in claim 5 specifying that, "void portions, each having an elongated shape parallel to each other and also parallel to said another part of opposing faces of the rectangular shape" is not described in the specification in such a way as to reasonably convey to one skilled in the art at the time the present application was filed.

#### ***Applicant's response:***

Applicant respectfully disagrees with the Examiner's such rejection because each of claims 1 and 5 contain subject matter which was described in the originally filed disclosure of the present invention, specifically in the drawing Figures 9-11 in such a way as to reasonably convey to one skilled in the art. Accordingly, applicant respectfully submits that the claims 1 and 5 do not fail to comply with the written description requirement set forth in 35 USC §112, first paragraph.

Moreover, in an effort to overcome the Examiner's such rejection and to expedite the prosecution of the present application, applicant has amended specification for expressly providing support to language of claims 1 and 5.

For example, applicant has amended paragraph [0022] of the originally filed specification by specifying that faces "c" and "d" form a substantially symmetrical shape in which the central

portion bulges outwards in a non-parallel configuration defining bulging faces “c” and “d”, and on the face “c” two rows of void portions 22 are formed parallel to each other and also parallel to the corresponding faces “a” and “b”.

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 5 under 35 USC §112, first paragraph.

### **Claim Rejections – 35 USC §103**

In the Office Action (page 3, item 2), the Examiner rejected claims 1, 5 and 23-24 under 35 USC §103(a) as unpatentable over Enomoto et al. (JP 11-218173 A) (hereinafter referred to as, “Enomoto”) in view of Booher (US 4,772,044) and further in view of Baba (JP 01-126413 A).

#### ***Applicant’s Response:***

Upon careful consideration, applicant respectfully traverses such rejection and submits that the rejection is overcome because the applied references, whether considered either singly or in combination, fail to disclose the required features of the claimed torque rod for several reasons including those discussed below.

Specifically, the applied references fail to disclose the claimed torque rod including a rod portion having bulging faces (e.g. claim 1 and 24). Since none of the applied references disclose or suggest bulging faces, any combination of teachings of such applied references fail to disclose the rod portion having a plurality of void portions formed on one of the bulging faces and the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape; and the void portions being formed on one of the bulging faces are arranged such that the void portion are not visible from the other of the bulging faces. Applicant respectfully submits the claimed bulging faces, which are not taught by any of the

applied references, is an important feature of the independent claims.

For example, applicant notes that Enomoto discloses a vibration isolating suspension device having an arm member 201 connected to pair of cylinders 202, 202, each arranged on opposite ends of the arm member 201. The arm member 201 includes a pair of opposing faces forming a swollen shape, and a pair of another opposing faces forming a non-swollen shape. The arm member 201 appears to include some openly formed void portions oriented in crisscross manner. The void portions of Enomoto appear to be concealed from both the swollen faces of the arm member 201, and not concealed only from one of the swollen faces. Also, the void portions of Enomoto appear to be visible from both the non-swollen faces of his arm member 201 (Fig. 5-6).

On the other hand, Booher discloses a vehicle suspension system having a composite control arm 50 secured to a frame 22 at one end thereof, and to a ball joint 28 at a distal end thereof. The composite arm 50 includes a flat core 60, an upper lamination 80 disposed on the upper portion of the core 60, a lower lamination 90 (which is a mirror-image of the upper lamination 80) disposed on the bottom of the core 60. The upper and lower laminations 80, 90 are blend together at apertures 64 in the core 60. The thickness of the upper and lower laminations varies throughout the length of the composite control arm apparatus 50. The thickness of the upper and lower laminations 80, 90 is maximum at the area of base plates 52, 54, and tapers to a transversely extending troughs 82, 92 in the upper and lower laminations 80, 90. The thickness then increases to a maximum mid-point thickness at transversely extending humps 84, 94 on the laminations 80, 90 and then tapers again (col. 3, lines 19-29; col. 4, lines 10-29; Fig.3).

Further, Baba discloses a connecting rod having a panel portion 18 for connecting together large and small cylindrical portions 16, 14. The panel portion 18 of Baba is formed with side edge stiffening ribs 20, 22, a central rib 24 and a connecting rib 26 for connecting them

together. In the Baba's panel portion 18, a wall thickness of side edge stiffening rib 20 is thicker than a wall thickness of the other side edge stiffening rib 22. According to Baba, due to such differences in wall thicknesses, the peripheral directional diversion velocity values of the resin material in the cylindrical portion 14, 16 are made different from each other and the weld lines are shifted in the peripheral direction on the side edge stiffening rib 22 side of the thin wall, and the weld lines are positioned to be off the largest stress generating part for obtaining the stable and sufficient strength, so that the practical application of resin may become possible.

The Examiner appears to be inappropriately interpreting edge stiffening rib 20 and central rib 24 of Baba's panel portion as void portions. Baba does not disclose void portions formed in the rod portion of the torque rod, as required by the claimed invention. Rather, Baba discloses ribs formed on the rod portion for reinforcing / stiffening the connecting rod.

Further, in the Office Action (page 4, list line – page 5, first line), it appears that the Examiner interprets that Baba discloses bulging faces. However, applicant respectfully submits that Baba does not disclose any bulging faces (see reference numeral 18 in Fig. 3 of the Baba disclosure).

Based on such actual disclosure of the applied references, a person of ordinary skill in the art would not consider it obvious to modify Enomoto's suspension device by including select features of Booher's vehicle suspension system and/or Baba's connecting rod to achieve the claimed torque rod, because none of the applied references disclose the rod portion having the bulging faces. Accordingly, the applied references also fail to disclose void portions, and features thereof, formed in the rod portion.

In other words, for example, the applied references, whether considered either singly or in combination, fail to disclose the torque rod having including a rod portion having a plurality

of void portions formed on one of the bulging faces and the void portions defining elongated holes which extend substantially parallel to said another pair of opposing faces of the rectangular shape; and the void portions being formed on one of the bulging faces are arranged such that the void portion are not visible from the other of the bulging faces (e.g. claim 1).

Rather, for example, Baba teaches the panel portion 18 formed with side edge stiffening ribs 20, 22, a central rib 24 and a connecting rib 26 for connecting them together. The stiffening ribs of Baba are not void portions formed in the rod portion, as required by the claimed invention. Also, as discussed above, Baba does not disclose or suggest the rod portion having bulging faces.

Further, even if for the sake of argument, the Enomoto's suspension device is hypothetically modified by including select features of Booher's vehicle suspension system and/or Baba's connecting rod, as proposed by the Examiner, such modification would not provide the claimed torque rod including a rod portion having a plurality of void portions formed on one of the bulging faces (e.g. claim 1), because none of the applied references discloses or suggests bulging faces. Also, the Examiner's proposed modification would not provide the void portions defining elongated holes which extend substantially parallel to the another pair of opposing faces of the rectangular shape; and the void portions being formed on one of the bulging faces are arranged such that the void portion are not visible from the other of the bulging faces (e.g. claim 1), because none of the applied references disclose the claimed bulging faces.

Similarly, the Examiner's such proposed modification would not provide the claimed torque rod having a rod portion including a series of alternate cross-sections which have a notched portion and cross-sections which do not have said notched portion in a central portion along longitudinal direction of the rod portion, as required by claim 24. Also, applicant

respectfully suggests that a claim similar to the claim 24 presented herein has been granted by the European Patent Office and the Japan Patent Office.

Rather, contrary the claimed invention as recited in claim 12, such hypothetical modification would provide a torque rod having a rod portion including a plurality of stiffening ribs formed thereon.

The applied references also fail to disclose limitations of claims 5 and 23 for the reasons provided in relation to claim 1, herein.

According to the claimed invention, the bulging faces are formed for the reason that the largest bending moment and the largest torsion moment act on the central portion of the rod portion. Therefore, rigidity of the central portion of the rod portion is required to be the maximum. Furthermore, the void portions make the rod lighter and keep the length of the ribs as long as possible because such void portions are formed in one of the bulging faces.

For all of the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5 and 23-24 under 35 USC §103(a).

### **Other Matters**

New claim 25 is believed to be patentably distinct over the references of record for the reasons provided in relation to claim 24, and for additional merits thereof.

### **Conclusion**

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Accordingly, applicant requests reconsideration and withdrawal of the rejections of record, and allowance of the claims. The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

A Request for Continued Examination is being concurrently filed herewith and the fee (\$810) for the same is being paid online via EFS-Web.

A petition for one-month extension of time is being submitted herewith, and the fee (\$130) for same is being concurrently paid via EFS-Web.

If the Examiner is not fully convinced of the allowability all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



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